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May 25, 2023

By ECF and e-mail

Honorable Andrew L. Carter
United States District Judge
Southern District of New York
50 Foley Square
New York, N.Y. 10007

USDC SDNY
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Re: *United States v. Martin Perez*, 21 Cr. 599 (ALC)

Dear Judge Carter:

I write on consent (Assistant U.S. Attorney Alexander Li) to respectfully request that the Court direct the Probation Office to amend paragraph 11 of the Presentence Investigation Report by adding the following language at the end of that paragraph:

As noted in paragraph 36, MARTIN PEREZ's conduct did not involve the sale of cocaine tainted by fentanyl, and he is not being held accountable for the resulting overdose deaths or hospitalization.

The Bureau of Prisons relies on the facts in the Presentence Investigation Report to make crucial determinations, such as the appropriate security level or facility for a sentenced defendant. In Mr. Perez's PSR, the overdose deaths are featured prominently – *see* paragraphs 10-23 – and the clarification that Mr. Perez is not being held accountable for those deaths is somewhat buried in paragraph 36. Accordingly, adding the requested language to paragraph 11 will hopefully clarify the conduct for which Mr. Perez should be held responsible.

Respectfully submitted,

/s/ _____
Martin Cohen
Ass't Federal Defender
(212) 417-8737

cc: Alexander Li, Esq., by e-mail and ECF

The application is **GRANTED**.
So Ordered.


5/30/23